

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JAMES W. HARPEL,)
Plaintiff,)
v.) Civil Action No.: 1:12-cv-10280-RWZ
RONALD A. NICHOLSON)
Defendant.)

RULE 16.1(d)(3) CERTIFICATION

Pursuant to D. Mass. L.R. 16.1(d)(3), defendant Ronald A. Nicholson and his undersigned counsel hereby certify that they have conferred: (a) with a view to establishing a budget for the costs of conducting the full course –and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs, such as those outlined in D. Mass. L.R. 16.4.

Dated: November 6, 2012

/s/ Ronald A. Nicholson
Ronald A. Nicholson

/s/ Daniel G. Gurfein
Daniel G. Gurfein (Admitted *Pro Hac Vice*)
James J. Regan (Admitted *Pro Hac Vice*)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on November 6, 2012.

/s/James Regan